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06-30-06

02:47 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company (U 39-M) for Authorization, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2007.

Application 05-12-002
(Filed December 2, 2005)

Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Pacific Gas and Electric Company.

Investigation 06-03-003
(Filed March 2, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING
ADOPTING REVISED CONFIDENTIAL MODELING PROCEDURES**

On June 21, 2006, the assigned Administrative Law Judge (ALJ) issued a ruling that adopted procedures for the confidential production of computer-model runs using Pacific Gas and Electric Company's results of operations (RO) model to generate tables needed for decision support. Among the adopted procedures was a requirement to run the RO model on "stand alone" computer equipment.¹ However, this requirement impedes the efficient sharing of, and access to, the RO model by the members of the Commission's staff tasked with the responsibility of running the RO model. Because of this, the requirement to

¹ ALJ ruling dated June 21, 2006, Attachment 1, Item 3.

run the RO model on stand alone computer equipment has been dropped in recent general rate case proceedings.²

Therefore, **IT IS RULED** that:

1. To assure the confidentiality of the Commission's deliberative process, and to enable the Commission's staff to efficiently access and share the results of operations model for the instant general rate case proceeding, the amended modeling procedures set forth in Attachment 1 to this ruling, and the attendant protective order set forth in Attachment 2 to this ruling, are hereby adopted. Said procedures are binding upon the parties.

2. Attachments 1 and 2 to this ruling supersede the assigned Administrative Law Judge's Ruling issued on June 21, 2006.

Dated June 30, 2006, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney
Administrative Law Judge

² See, for example, the ruling issued by ALJ Fukutome on July 22, 2005, in the Southern California Edison general rate case proceeding (Application 04-12-014). ALJ Fukutome's ruling did not include a requirement for run the RO model on stand alone computer equipment.

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RESULTS OF OPERATIONS (RO) MODELING PROCEDURES

Upon request of the Energy Division Director or his designee(s), Pacific Gas and Electric Company (PG&E) and/or the Division of Ratepayer Advocates (DRA) will provide all necessary assistance to the Energy Division in running the RO model used by PG&E in Phase 1 of A.05-12-002 & I.06-03-003 to produce tables required for the proposed decision, any alternate decision, and the final Commission decision. The following requirements shall govern the modeling process:

1. Model run(s) shall be performed at the Commission offices under the supervision, oversight, and control of the Energy Division Director or his designee(s).
2. Model run(s) shall be performed using only computer hardware, software, and media installed or placed in the Commission Offices. All such hardware, software, and media, and all related notes, worksheets, workpapers and computer output, shall remain in the custody of the Energy Division Director or his designee(s), and shall not be removed from the Commission Offices until 30 days after issuance of a final Commission decision which incorporates the model run, provided, however, that to the extent needed for issuance of the decision and issuance of supporting workpapers, media, notes, worksheets, and computer output may be released on and after the date of issuance of the proposed or alternate decision.
3. Before obtaining access to any information contained in or pertaining to the draft proposed decision or any alternate decision (prior to the issuance of a final decision adopting PG&E's Test Year 2007 revenue requirement in Phase 1 of A.05-12-002 and I.06-03-003), each employee, agent, or representative of PG&E or DRA involved in the modeling shall sign a certificate assuring compliance with the protective order attached hereto.

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4. The Energy Division Director or his designee(s) shall determine that each employee, agent, or representative and representative of PG&E or DRA who receives access to information about the contents of the proposed decision and any alternate decision has first signed a certificate of compliance with the protective order.
5. As soon as practicable after the date of issuance of the proposed decision and, if applicable, alternate decision, and no later than seven days after the date of such issuance, Energy Division, and if necessary with the assistance of employees, agents, or representatives from PG&E and/or DRA having signed a certificate of compliance with the protective order, shall serve workpapers associated with this modeling upon each party of record making prior written request for them. Workpapers associated with the model run supporting the ALJ's proposed decision shall be designated as Late-Filed Exhibit ALJ-1. If it is necessary for Energy Division to prepare and issue an alternative set of workpapers in connection with one or more alternate decisions, Late-Filed Exhibits designations ALJ-2 through ALJ-10 are reserved for this purpose. Workpapers may be served in electronic form.
6. To the extent that Energy Division believes that the workpapers might contain confidential information, it will consult with PG&E and, if necessary, PG&E may file a motion for a protective order to address or limit the parties or individuals who may receive the workpapers. The protective order attached hereto is only designed to prevent disclosure of confidential information prior to the issuance of the final decision adopting PG&E's Test Year 2007 revenue requirement in Phase 1 of A.05-12-002 and I.06-03-003.
7. Any and all drafts and unused analysis that does not directly support or is required for the proposed decision, any alternate decision(s), and the final Commission decision, is to be destroyed or otherwise deleted. All information in this category remains confidential permanently and may not be disclosed.

(END OF ATTACHMENT 1)

ATTACHMENT 2

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PROTECTIVE ORDER

1. This Protective Order shall govern the use of all protected materials, as defined herein, by (a) Pacific Gas and Electric Company (PG&E), (b) the Commission's Division of Ratepayer Advocates (DRA), and (c) PG&E's and DRA's employees, representatives, and agents.
2. "Protected Materials" include confidential written or oral communications from the staff of the Commission's Energy Division or ALJ Division, or any Commissioner or Commissioner's advisor, which reflect or relate to the contents of the draft proposed decision or any alternate decision prior to the public issuance of a final decision in Phase 1 of A.05-12-002 and I.06-03-003 adopting PG&E's Test Year 2007 revenue requirement. "Protected Materials" also include all computer hardware, software, media, notes, worksheets, workpapers, computer inputs, computer outputs, or any other documents which relate to these written or oral communications from the Energy Division staff.
3. The term "Certificate of Compliance" shall mean the certificate annexed hereto by which the employees, representatives and agents of PG&E and DRA will be granted access to Protected Materials. Said persons shall certify their understanding that access to Protected Materials is provided pursuant to the terms and restrictions of this Protective Order, and that they have read the Protective Order and agree to be bound by it. No employee, representative or agent of PG&E or DRA will be permitted access to any Protected Materials without first having signed and dated a Certificate of Compliance. Prior to such access, PG&E and DRA shall provide the Commission's Energy Division with the original of each Certificate of Compliance that has been executed, and shall serve a copy of each Certificate of Compliance on all parties on the Commission's service list in this proceeding.
4. The term "Reviewing Representative" shall mean each PG&E and DRA employee, representative, or agent who has signed a Certificate of Compliance and been granted access to the Protected Materials. Each Reviewing Representative shall treat as confidential the Protected Materials and shall not disclose in any manner any information contained in or relating

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to the Protected Materials to any person, except another Reviewing Representative or an employee of the Commission involved in the decision-

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PROTECTIVE ORDER

making process in this proceeding (excluding DRA employees that have not signed the certificate of compliance with the Protective Order), until after issuance of a final decision in Phase 1 of A.05-12-002 and I.06-03-003 adopting PG&E's Test Year 2007 revenue requirement.

5. A supervisor in PG&E management or DRA management, who has authority over each Reviewing Representative, shall instruct each Reviewing Representative to read and agree to comply with this Protective Order. The supervisor in PG&E management or DRA management shall also take all reasonable and necessary steps to ensure that nobody at PG&E or DRA attempts to learn from any Reviewing Representative the contents of any Protected Materials prior to the issuance of the final decision in Phase 1 of A.05-12-002 and I.06-03-003 adopting PG&E's Test Year 2007 revenue requirement.
6. Any violation of this Protective Order shall constitute a violation of an order of the Commission.

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(Filed March 2, 2006)

CERTIFICATE OF COMPLIANCE

I hereby certify my understanding that access to Protected Materials is provided to me pursuant to the terms and restrictions of the Protective Order in this proceeding, that I have been given a copy of and read the Protective Order, and that I agree to be bound by it. I understand that the contents of the Protected Materials and any notes or any other form of information that relates to the Protected Materials shall not be disclosed to anyone other than in accordance with that Protective Order. I acknowledge that a violation of this certificate constitutes a violation of an order of the California Public Utilities Commission.

By: _____

Title: _____

Date: _____

(END OF ATTACHMENT 2)

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated June 30, 2006, at San Francisco, California.

/s/ Elvira Niz

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